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 10 NATIONAL UNION FIRE INSURANCE  
 11 COMPANY OF PITTSBURGH, PA

12 UNITED STATES DISTRICT COURT  
 13  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 NATIONAL UNION FIRE INSURANCE  
 16 COMPANY OF PITTSBURGH, PA, a  
 17 Pennsylvania corporation,

18 Plaintiff,

19 v.

20 RESOURCE DEVELOPMENT  
 21 SERVICES, INC., JAMES LUCERO, an  
 22 Individual, SHELLEY LUCERO, an  
 23 Individual, ARACELLI FRANCO, an  
 24 Individual, ELVIA NENQUE, an  
 25 Individual, MARTHA RENTERIA, an  
 26 Individual, JOE MORSE, an Individual,  
 27 TOM OVERTON, an Individual,  
 28 RICHARD ANDRADE, an Individual,  
 JOSE SALVATIER, an Individual,  
 DANIEL SANCHEZ, an Individual,  
 RUDY HERNANDEZ, an Individual,  
 GUILLERMO CEBALLOS, an Individual,  
 RANDY VARGAS, an Individual,  
 VALLEY RECYCLING, RANDAZZO  
 ENTERPRISES, DOMINGUEZ & SONS,  
 PREMIER RECYCLING, PACIFIC  
 COAST RECYCLING, GIBSON'S  
 RESOURCE GROUP, CAL WASTE,  
 ACCURATE CLEANING SYSTEMS,  
 ALVISO, A&S METALS, D&C  
 CONSTRUCTION, JLV EQUIPMENT,  
 DVBE TRUCKING, NOGALERA  
 TRUCKING, A&A RECYCLING, BAY  
 AREA HAULING MAINTENANCE,  
 DEPENDABLE WASTE SOLUTIONS,  
 PARAMOUNT DRYWALL, RAD ROLL-

CASE NO. CV10-01324 JF

**JOINT RULE 26(f) REPORT**

Date (Scheduling Conference): July 23, 2010

Time: 9:00 a.m.

Place: Courtroom 3

**Judge: Hon. Jeremy Fogel**

Ropers Majeski Kohn & Bentley  
 A Professional Corporation  
 Los Angeles

1 OFF, ALL TRASH, BAY CAL  
 2 RECYCLING, JM HAULING,  
 3 ALMADEN CONSTRUCTION, DEL  
 4 TORO, ESPINOZA & DAUGHTER  
 5 HAULING, AFFORDABLE ROOFING,  
 6 and DOES 1 through 100,

7 Defendants.

8 Plaintiff National Union Fire Company of Pittsburgh, PA ("National Union" and/or  
 9 "Plaintiff") and the eight (8) trucking company defendants that have appeared to date conferred  
 10 pursuant to Rule 26(f) of the Federal Rules of Civil Procedure.

11 The conference took place by telephone on June 17, 2010 between Plaintiff and seven of  
 12 the defendants. The participants were: Plaintiff National Union Fire Insurance Company of  
 13 Pittsburgh, PA and Defendants Randazzo Enterprises, Inc., Valley Recycling, Cal Waste,  
 14 Dominguez & Sons, Bay Area Hauling, Accurate Cleaning Service, and Premier Recycling. On  
 15 June 30, 2010 Plaintiff and Pacific Coast Recycling conferred by telephone.

## 16 **I. INITIAL DISCLOSURES**

17 Plaintiff will produce its Initial Disclosures as required by Rule 26(a)(1) on or before  
 18 July 17, 2010. Defendants will each produce their Initial Disclosures within 15 days after the  
 19 Court rules on motions to dismiss, now set for September 24, 2010.

20 All parties recognize their continuing duty to supplement their Rule 26 Disclosures.

## 21 **II. DISCOVERY**

22 Discovery on each party's participation in alleged wrongdoing is anticipated, and each  
 23 defendant's defenses. Plaintiff and Defendants Dominguez & Sons, Inc. and Pacific Coast  
 24 Recycling, Inc. do not believe that discovery should be conducted in phases. Other defendants  
 25 believe that discovery should be undertaken in phases: first, discovery should focus on liability,  
 26 and then on damages. Plaintiff expects some overlap in proof of liability and proof of damages,  
 27 with the likely result of discovery disputes. The parties do not propose that trial be bifurcated.

28 The parties agree that there should be up to 25 depositions per party, considering the  
 number of defendants in the case.

The parties, other than Dominguez & Sons, Inc., propose that  
 All discovery be concluded August 1, 2011;  
 Plaintiff will produce its expert report(s) on or before May 16, 2011;  
 Plaintiff will identify its expert(s) on or before April 15, 2011; and  
 Each defendant will produce its expert report(s) on or before July 29, 2011.

Dominguez & Sons proposes that discovery be concluded May 31, 2011; that Plaintiff  
 identify its experts by April 1, 2011; Plaintiff's expert report be produce on or before April 15,  
 2011; and Defendants produce their expert reports on May 30, 2011. Plaintiff does not agree.

### III. COMPLEXITY

The parties do not believe this is a "complex case." However, Plaintiff believes that the  
 nature of its proofs may be complex.

### IV. PENDING MOTIONS

Motions to dismiss pursuant to Rule 23(b)(6) have been filed by a number of defendants.  
 Hearing on those motions is now scheduled for September 24, 2010.

### V. CUT-OFF DATE FOR JOINDER OF ADDITIONAL PARTIES AND ADDITION OF CLAIMS

Additional parties, if any, shall be joined not later than October 30, 2010 (about 30 days  
 after defendants have produced their initial disclosures).

### VI. DISPOSITIVE MOTIONS

Plaintiff and Defendants, other than Dominguez & Sons, propose that dispositive motions  
 should be filed not later than September 16, 2011.

However, Dominquez & Sons proposes that dispositive motions be heard no later than  
 June 1, 2011.

### VII. PROPOSED TRIAL SCHEDULE

The parties, other than Dominguez & Sons, propose a trial date in or after January 2012,  
 or thereafter at the Court's convenience.

However, Dominguez & Sons propose July 1, 2011.

1 **VIII. SETTLEMENT**

2 The parties have not yet engaged in settlement discussions. The parties believe that a  
3 settlement conference should not occur before the date for Plaintiff's expert report(s). The  
4 magistrate assigned to the case is desired to preside over a mediation in early June, 2011.

5 However, Dominguez & Sons proposes mediation in early May 2011.

6 Dated: July 1, 2010

ROPERS, MAJESKI, KOHN & BENTLEY

8 By: 

9 ERNEST E. PRICE

10 EUGENE S. SUH

11 ARNOLD E. SKLAR

12 Attorneys for Plaintiff

13 NATIONAL UNION FIRE INSURANCE

14 COMPANY OF PITTSBURGH, PA

15 Dated:

THE LITIGATION LAW GROUP

16 By:

LAWRENCE PEDRO RAMIREZ

17 LINDSEY RENEE ADAMS

18 Attorneys for Defendant

19 VALLE RECYCLING

20 Dated:

POPELKA LAW GROUP

21 By:

22 MARC L. SHEA

23 Attorneys for Defendant

24 DOMINGUEZ & SONS

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14 COMPANY OF PITTSBURGH, PA

15 Dated:

6/30/10

16 THE LITIGATION LAW GROUP

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18 LAWRENCE PEDRO RAMIREZ  
19 LINDSEY RENEE ADAMS  
20 Attorneys for Defendant  
21 VALLE RECYCLING

22 Dated:

POPELKA LAW GROUP

23 By:

24 MARC L. SHEA  
25 Attorneys for Defendant  
26 DOMINGUEZ & SONS  
27  
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A Professional Corporation  
Los Angeles

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15 Dated:

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16 By:

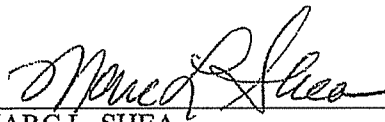
17 LAWRENCE PEDRO RAMIREZ  
18 LINDSEY RENEE ADAMS  
19 Attorneys for Defendant  
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24 MARC L. SHEA  
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Dated: 7/1/2010

WILLIAMS, PINELLE & CULLEN LLP

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Dated: *July 1, 2010*

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Dated:

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Attorneys for Defendant  
PACIFIC COAST RECYCLING

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CASE NAME: *National Union Fire Insurance Company of Pittsburgh, PA, a  
Pennsylvania Corporation v. Resource Development Services, Inc., et al.*

ACTION NO.: CV10-01324 JF

**CERTIFICATE OF SERVICE**

I hereby certify that the JOINT RULE 26(f) REPORT was served on the following  
persons on this date and in the manner specified herein:

☒ **Electronically Served Through ECF:**

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☐ **Conventionally Served:**

Dated: July 1, 2010

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